

# Notice of Allowability

## Application No.

09/929,053

## Examiner

Brian J. Sines

## Applicant(s)

TAKAHASHI ET AL.

## Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the terminal disclaimer filed 3/5/2004.
2. ☒ The allowed claim(s) is/are 1,2,4 and 5.
3. ☒ The drawings filed on 15 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on 3/5/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,337,050 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

Claims 1, 2, 4 and 5 are allowed.

The following is an examiner's statement of reasons for allowance:

Ohishi *et al.* (US 6,019,945) teach a sample analysis system comprising a sample container transfer mechanism. Takahashi *et al.* (US 6,290,907 B1) further teach a sample handling system. The cited prior art neither teach or fairly suggest a sample rack handling system comprising: a rack transportation assembly having a passage capable of transporting a sample rack holding a sample, wherein the rack transportation assembly is supported on a floor surface; and a treatment unit structure having a rack transferring area for sending out and receiving the sample rack to and from the passage, wherein the treatment unit structure is detachably combined with the rack transportation assembly so that the sample rack is transferred from either the rack transferring area or the passage to the other; a projecting member forced on the rack transportation assembly below the passage, wherein the projecting member projects forward from the rack transportation assembly; a first reference surface facing upwardly formed on an upper surface of the projecting member; a plurality of adjusters for adjusting the height of the rack transportation assembly, wherein the adjusters are attached at a position lower than the projecting member on the rack transportation assembly; a second reference surface mounted on

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the treatment unit structure and facing downwardly and located at a position near a back surface of the treatment unit structure, which is lower than the rack transferring area of the treatment unit structure, wherein the second reference surface is maintained in contact with the first reference surface when the treatment unit structure is combined with the rack transportation assembly; and casters for contacting the floor surface when the treatment unit structure is moved on the floor surface, wherein the casters are arranged at a position, which is lower than the second reference surface on the treatment unit structure, wherein the casters each have a height adjuster for adjusting a height of the treatment unit structure so that the second reference surface is brought into and maintained in contact with the first reference surface.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11:30 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jili Warden  
Supervisory Patent Examiner  
Technology Center 1700